## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

CHELSIE NITSCHKE and CYNTHIA	§	
GEORGE,	§	
	§	
Plaintiffs,	§	
	§	Case No. 3:24-cv-00218
<b>v.</b>	§	
	§	JURY DEMANDED
BLUE HILLS HOLDINGS, LLC; BNA	§	
INVESTMENTS, GP; BACAR	§	Judge William L. Campbell, Jr.
CONSTRUCTORS, INC.; and 906	§	Magistrate Judge Jeffery S. Frensley
STUDIOS, PLLC	§	
	§	
Defendants.	§	
	§	

## DEFENDANT BNA INVESTMENTS, GP'S MOTION TO JOIN IN AND ADOPT THE MOTION FOR SUMMARY JUDGMENT AND MEMORANDUM OF LAW IN SUPPORT FILED BY BACAR CONSTRUCTORS, INC.

Defendant BNA Investments, GP, ("Defendant" or "BNA"), by and through counsel, respectfully moves this Court pursuant to Fed. R. Civ. P. 10(c) and Fed. R. Civ. P. 56 for permission to join in and adopt by reference the legal arguments advanced in the Motion for Summary Judgment (Doc. No. 40) and the Memorandum of Law in Support (Doc. No. 41) filed by Bacar Constructors, Inc. ("Bacar"), as well as join in and adopt by reference Bacar's statement of undisputed material facts (Doc. No. 42), including the affidavit and exhibits appended thereto.

Bacar's Motion for Summary Judgment seeks dismissal of this action pursuant to 42 U.S.C. § 3613(a)(1)(A) because the last unoccupied individual apartment unit intended for occupancy and tenancy use on the Property was first occupied by a tenant on January 10, 2022, more than two years before Plaintiffs brought the instant action. As set forth at length in Bacar's Motion for

Summary Judgment and Memorandum of Law in Support, Plaintiffs' cause of action for alleged violations of the Fair Housing Act at 42 U.S.C. § 3601, *et seq.*, is time-barred because it was not brought within two years "after the occurrence or the termination of an alleged discriminatory practice...whichever occurs last." 42 U.S.C. § 3613(a)(1)(A).

BNA respectfully moves this Court to permit it to join in and adopt by reference Bacar's Motion pursuant to principles of judicial economy, because the undisputed facts set forth in Bacar's statement of undisputed material facts and the statute of limitations arguments raised in its Motion for Summary Judgment apply equally to BNA. Therefore, BNA respectfully moves this Court to grant the instant motion, permit it to join in Bacar's Motion for Summary Judgment and dismiss Plaintiffs' Complaint as time-barred pursuant to 42 U.S.C. § 3613(a)(1)(A).

Respectfully submitted,

## **ORTALE KELLEY LAW FIRM**

By:/s/ Emmie Kinnard

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Counsel for Defendant BNA Investments, GP

## **CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing has been served upon all counsel of record via the Court's electronic filing system and email this 30<sup>th</sup> day of December, 2024.

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